

# EXHIBIT 1

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**S.B. 89**

**SOCIAL MEDIA MODIFICATIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Jordan D. Teuscher

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**LONG TITLE**

**General Description:**

This bill changes when the provisions of the Utah Social Media Regulation Act become effective.

**Highlighted Provisions:**

This bill:

▸ delays the effective date for provisions of the Utah Social Media Regulation Act applicable to social media companies from March 1, 2024, to October 1, 2024.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

**AMENDS:**

13-63-102, as enacted by Laws of Utah 2023, Chapter 498

13-63-103, as enacted by Laws of Utah 2023, Chapter 498

13-63-104, as enacted by Laws of Utah 2023, Chapter 498

13-63-105, as enacted by Laws of Utah 2023, Chapter 498

13-63-301, as enacted by Laws of Utah 2023, Chapter 498

13-63-401, as enacted by Laws of Utah 2023, Chapter 477

13-63-501, as enacted by Laws of Utah 2023, Chapter 477

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*Be it enacted by the Legislature of the state of Utah:*

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(d) establish processes or means to confirm that a parent or guardian has provided consent for the minor to open or use an account as required under this section;

(e) establish requirements for retaining, protecting, and securely disposing of any information obtained by a social media company or its agent as a result of compliance with the requirements of this chapter;

(f) require that information obtained by a social media company or its agent in order to comply with the requirements of this chapter are only retained for the purpose of compliance and may not be used for any other purpose;

(g) if the division permits an agent to process verification requirements required by this section, require that the agent have its principal place of business in the United States of America;

(h) require other applicable state agencies to comply with any rules promulgated under the authority of this section; and

(i) ensure that the rules are consistent with state and federal law, including Title 13, Chapter 61, Utah Consumer Privacy Act.

Section 2. Section **13-63-103** is amended to read:

**13-63-103. Prohibition on data collection for certain accounts -- Prohibition on advertising -- Use of information -- Search results -- Directed content.**

Beginning ~~March~~ October 1, 2024, a social media company, for a social media platform account held by a Utah minor account holder:

(1) shall prohibit direct messaging between the account and any other user that is not linked to the account through friending;

(2) may not show the account in search results for any user that is not linked to the account through friending;

(3) shall prohibit the display of any advertising in the account;

(4) shall not collect or use any personal information from the posts, content, messages, text, or usage activities of the account other than information that is necessary to comply with, and to verify compliance with, state or federal law, which information includes a parent or

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bypass restrictions on access as required by this section.

(5) Notwithstanding any provision of this section, a social media company shall permit a parent or guardian with access to an account under Section 13-63-104 to access the account without time restrictions.

Section 5. Section **13-63-301** is amended to read:

**13-63-301. Private right of action.**

(1) Beginning [~~March~~] October 1, 2024, a person may bring an action against a person that does not comply with a requirement of Part 1, General Requirements.

(2) A suit filed under the authority of this section shall be filed in the district court for the district in which a person bringing the action resides.

(3) If a court finds that a person has violated a provision of Part 1, General Requirements, the person who brings an action under this section is entitled to:

(a) an award of reasonable attorney fees and court costs; and

(b) an amount equal to the greater of:

(i) \$2,500 per each incident of violation; or

(ii) actual damages for financial, physical, and emotional harm incurred by the person bringing the action, if the court determines that the harm is a direct consequence of the violation or violations.

Section 6. Section **13-63-401** is amended to read:

**13-63-401. Social media platform design regulations -- Enforcement and auditing authority -- Penalties.**

(1) Beginning [~~March~~] October 1, 2024:

(a) the division shall administer and enforce the provisions of this section; and

(b) the division may audit the records of a social media company in order to determine compliance with the requirements of this section or to investigate a complaint, including a random sample of a social media company's records and other audit methods.

(2) Beginning [~~March~~] October 1, 2024, a social media company shall not use a practice, design, or feature on the company's social media platform that the social media

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(b) passively displaying content that is created entirely by a third party;

(c) information or content for which the social media company was not, in whole or in part, responsible for creating or developing; or

(d) any conduct by a social media company involving a Utah minor account holder who would otherwise be protected by federal or Utah law.

(5) If a court of competent jurisdiction grants judgment or injunctive relief to the division, the court shall award the division:

(a) reasonable attorney fees;

(b) court costs; and

(c) investigative fees.

(6) Nothing in this section may be construed to negate or limit a cause of action that may have existed or exists against a social media company under the law as it existed before the effective date of this section.

(7) All money received for the payment of a fine or civil penalty imposed under this section shall be deposited into the Consumer Protection Education and Training Fund established in Section 13-2-8.

Section 7. Section **13-63-501** is amended to read:

**13-63-501. Private right of action for harm to a minor -- Rebuttable presumption of harm and causation.**

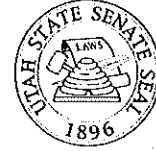
(1) Beginning [~~March~~] October 1, 2024, a person may bring an action under this section against a social media company to recover damages incurred after [~~March~~] October 1, 2024 by a Utah minor account holder for any addiction, financial, physical, or emotional harm suffered as a consequence of using or having an account on the social media company's social media platform.

(2) A suit filed under the authority of this section shall be filed in the district court for the district in which the Utah minor account holder resides.

(3) Notwithstanding Subsection (4), if a court finds that a Utah minor account holder has been harmed as a consequence of using or having an account on the social media

## Official Signature Sheet for Bills and Resolutions State of Utah

SB 89 was read  
by title three separate times and passed the Senate on a vote of  
25 yeas 2 nays and 2 absent.



Signed on 1/19/2024  
Certified by [Signature]  
Secretary of the Senate

[Signature]  
President of the Senate  
☐ President Pro Tempore

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SB 89 was read  
by title three separate times and passed the House on a vote of  
69 yeas 0 nays and 6 absent.



Signed on 1-19-2024  
Certified by [Signature]  
Chief Clerk of the House

[Signature]  
Speaker of the House  
☐ Speaker Pro Tempore

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Received from the Legislature on 1-19-2024  
Approved on 1-19-2024



Received from the Governor and filed in the office of the Lieutenant  
Governor on \_\_\_\_\_

[Signature]  
Governor

\_\_\_\_\_  
Lieutenant Governor